

REMARKS

Claims pending in the instant application are numbered 1-23. Claims 1-23 presently stand rejected. The Applicants respectfully request reconsideration of the present application in view of the following remarks.

Obviousness-Type Double Patenting Rejection

In the March 7, 2005 Office Action, claims 1-23 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 of US Patent No. 6,678,251 B2. The Applicants respectfully request that the enclosed timely filed terminal disclaimer in compliance with 37 CFR § 1.321(c) be entered to overcome the instant nonstatutory double patenting rejection, as suggested in the March 7, 2005 Office Action.

The Applicants wish to note that the filing of the enclosed terminal disclaimer in compliance with 37 CFR § 1.321(c) is not an admission to the propriety of the rejection. M.P.E.P. § 804.02 (7th Ed. July 1998); Quad Environmental Technologies Corp. v. Union Sanitary District, 20 USPQ.2d. 1392 (Fed. Cir. 1991). As stated by the Federal Circuit in the Quad Environmental Technologies decision, the “filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection.”

Therefore, the Applicants respectfully submit that the presently claimed invention is in condition for allowance and request that a timely Notice of Allowance be issued in this case.

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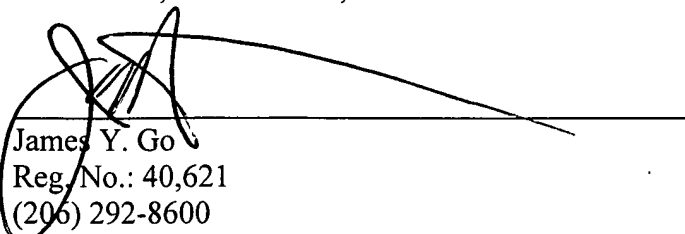
Please charge our Deposit Account No. 02-2666 for any additional fee due in this matter.

Respectfully submitted,

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Dated: 4-19-05

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